1. (Amended) A two-component bandage for closing a wound comprising:

a) a first component comprising a first flat flexible component having adhesive on a lower surface and a plurality of first elongated connectors extending from one edge thereof in a first direction;

b) a second component comprising a second flat flexible component having adhesive on a lower surface and one or more second elongated connectors extending from one edge thereof in a second direction generally opposite to the first direction;

c) a first pulling element joined to said first elongated connectors and adapted for lateral translation of the first flat flexible component toward a wound edge;

d) a second pulling element joined to said second elongated connectors and adapted for lateral translation of the second flat flexible component toward the wound edge; and

e) means for attaching the first elongated connectors to the second flat flexible component and means for attaching the second elongated connectors to the first flat flexible component.

REMARKS

Rejection Under 35 USC 102

Claims 1, 2, 4, 5, 8-12 and 14 have been rejected under 35 USC 102(b) as being anticipated by Prellar. Claim 1 has been amended to more specifically described Applicant's invention. In particular, Claim 1 has been amended to make clear that Applicant's wound closure device is a two-component device. The two-component device comprises a first and a second component which are separate and distinct from one another. Each component is applied individually to either side of the wound or incision to be closed.

Prellar teaches a single, unitary device and, therefore, Applicant's amendment establishes novelty over Prellar. In addition, as discussed in the telephonic interview on June 4, 2001, Applicant's two-component device offers numerous advantages over the non-component device of Prellar et al. The use of two independently positioned components enables the user to precisely align distinct wound edges on either side of the wound or incision to be closed. Unlike the non-component device of Prellar et al., Applicant's two-component device provides clear visibility of the wound, and access to the wound during the closure process. Thus, the wound can be cleaned during and after the closure process, and dressings such as bacitracin may be applied. Furthermore, Applicant's design eliminates the potential problem of adhesive from the bandage making contact with wound area.

Rejection of Claims 1, 3 and 17-19 Under 35 USC 103(a)

Claims 1, 3 and 17-19 have been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,534,010 ("Peterson"). With respect to Claim 1, the Patent Office states specifically that:

> ... Peterson anticipates substantially all features of the claim including a first strip and second strips (12 and 14) having an adhesive surface (column 3, lines 11-14), a plurality of connectors (filaments 46, 48), pulling elements (16, 18)... Peterson fails to teach means for attaching the first and second connectors to the first and second strips. Instead, Peterson discloses adhesive means for connecting the pulling elements to the first and second strips. Absent a critical teaching and/or a showing of unexpected results derived from attaching the connectors to the first and second strips, the examiner contends that such a modification is an obvious design choice. The Examiner further contends that since the connectors (filaments) are connected to the pulling elements which are attached to the first and second strips via adhesive, the device of Peterson performs equally well.

This rejection is respectfully traversed. Applicant's specification, as filed, specifically points out the requirement that the elongated connectors attach to the flat flexible components (see Claim 1, step e). The fact that this limitation is specifically recited in Claim 1 of the application as originally filed highlights the criticality. Applicant is not required by the patent law to specifically point out all of the advantages associated with a recited and critical claim element. As pointed out previously, one of the advantages associated with the attachment of the elongated connectors to an initially applied flat flexible component relates to lateral stability.

More specifically, referring to Fig. 1, the fact that Applicant's elongated connectors (15 and 35) attach directly to flat flexible components (5 and 25) effectively reduces the range of freedom for lateral movement of the two wound edges (20 and 42) relative to one another, when compared with a bandage of the type described in the cited prior art. To restate, Applicant teaches a bandage in which a first component wound edge is limited in the degree in which it can move generally laterally relative to a second component wound edge by being effectively tethered closely together.

In all embodiments disclosed in the cited Peterson reference, the anchor point of the element that corresponds to Applicant's pulling elements (40 and 45) establishes the degree of freedom for lateral movement of Peterson's counterpart to Applicant's wound edges (20 and 42). In all cases described and exemplified, this anchor point is remote from the component wound edge by a distance equal to the length of the elongated connectors. This effectively increases the range of lateral movement for each of Peterson's wound edge counterparts. Such lateral movement of the components' wound edges relative to one another is extremely undesirable as it can more easily disengage the opposing wound edges. This can compromise the goal of faster healing and minimum scarring and, as a consequence, is a major disadvantage of the Peterson device.

Referring to Fig. 1 of the Peterson patent, for example, Applicant notes that Peterson could not make and use a device in which the filaments were so short that the left edge of tape strips 12 and 18 were substantially aligned (i.e., one on top of the other) when the device was applied.

Rejection of Claims 1, 18, 20-21 Under 35 USC 103(a)

Claims 1, 18 and 20-21 have been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 4,423,731 ("Roomi") on substantially the same ground as those discussed above in connection with the Peterson reference. The lateral stability argument presented above applies with equal force to the Roomi patent.

Rejection of Claims 6 and 7 Under 35 USC 103(a)

Claims 6 and 7 have been rejected under 35 USC 103(a) as being unpatentable over Prellar. It is respectfully submitted that the cited Prellar reference has been sufficiently distinguished in the arguments presented above. The arguments presented apply with equal force to the present and rejection and reconsideration is respectfully requested.

Rejection of Claim 13 Under 35 USC 103(a)

Claim 13 has been rejected under 35 USC 103(a) as being unpatentable over Prellar in view of Carn et al. It is respectfully submitted that the primary Prellar reference has been sufficiently distinguished in the arguments presented above. The arguments presented apply with equal force to the present rejection. The secondary Carn et al. reference does not cure the deficiencies discussed. Reconsideration of this rejection in light of the arguments presented herein is respectfully requested.

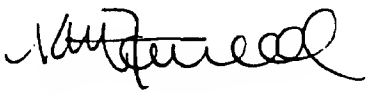
Rejection of Claim 13 Under 35 USC 103(a)

Claim 13 has been rejected under 35 USC 103(a) as being unpatentable over Peterson in view of Allen et al. It is respectfully submitted that the primary Peterson reference has been sufficiently distinguished in the arguments presented above. The arguments presented apply with equal force to the present rejection. The secondary Allen et al. reference does not cure the deficiencies discussed. Reconsideration of this rejection in light of the arguments presented herein is respectfully requested.

Summary

In light of the above Amendment and Remarks, Applicant respectfully requests reconsideration of the subject patent application.

Respectfully submitted,



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